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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,471	01/20/2000	Neelakantan Sundaresan	AM9-99-0201	4485

7590 10/06/2003
Samuel A. Kassatly
6819 Trinidad Drive
San Jose, CA 95120

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/06/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,471

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 9 and 17 have been considered but are moot in view of the new ground(s) of rejection. The pending claims are 1-32, which includes the added new claims 25-32 in the amendment filed on 07/22/2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 6-10, 14-18, 22-26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over BizRate.com**
[<http://web.archive.org/web/19981205082910/http://www.bizrate.com/>] in view of Peters et al. [USP 5,893,098].

Regarding to claims 1, 9, 17 and 25, BizRate.com is an online service website that provides consumers with information of a product based on ranking data from

Art Unit: 2172

customers. A merchant is evaluated by a remote user either at the time of sale via a Web interface, or after product delivery via email (BizRate, page 19). As shown in pages 17-18 is a summary of feedback from actual customers. Thus, the BizRate system conducts two kinds of survey, one via a Web interface as on-line, and one via email as *off-line*. If the survey received by email, BizRate is *an off-line ranking system for receiving any of users' online surveys or feedback about businesses*. Every merchant listed in BizRate has been rated based on 10 dimensions of service, which includes, Price, Product Selection, Product Information... (BizRate, pages 8 and 13-14) as the step of *generating rating data from the any of the users' off-line surveys or feedback*. As shown in page 1 is an interface of BizRate for receiving a query, either by entering search criteria into the search box or browsing the Product Category, from consumers who are located at remote locations. Pages 3-5 is a result of the merchants under category Apparel > Accessories. By using Shopping Filters feature, a user could filter the list of merchants to only those that have the features and capabilities of the user. If only one aspect of shopping is particularly important to a user, a pull down menu could be used to have the merchants ranked according to the rating data on that dimension (BizRate, page 11). As seen in pages 3-5, by entering keywords into the search box, a remote user receives a result list of merchant as in pages 3-5. If the filter is disable, *the rating data correlates* SunglassSite.com as *higher quality search match to* an overall rating of 8.47 based on 0-10 numerical rating scale as *higher business satisfaction rating*. Pages 3-5 also indicate *a result sorter for sorting query results generated by the search engine, based on the rating data and for generating ranked matches*. BizRate fails to teach the step of *indexing the rating*

data, and an off-line ranking repository for storing the rating data indexed by the on-line ranking system. Peters teaches a system for obtaining surveys from a plurality of users (Peters, Col. 2, line 45-Col. 3, line 16). The survey answers with rating data are indexed and stored in a database (Peters, Col. 19, lines 46-57; Col. 21, line 65-Col. 22, line 13; Col. 30, lines 12-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the BizRate system by indexing the rating data and storing the rating data that were index in a data repository as taught by Peters in order to update, retrieve the rating data of a business survey.

Regarding to claims 2, 10, 18 and 26, BizRate and Peters teaches all the claimed subject matters as discussed in claims 1, 9, 17 and 25, BizRate further discloses *a search results transformer that converts the ranked matches to a user browsable form* (BizRate, pages 3-5).

Regarding to claims 6, 14, 22 and 30, BizRate and Peters teaches all the claimed subject matters as discussed in claim 1, 9, 17 and 25, BizRate further discloses *an on-line ranking system for receiving rating data compiled from an on-line source based on interactive criteria* (BizRate, page 19), Peters teaches the technique of *indexing rating data* (Peters, Col. 19, lines 46-57; Col. 21, line 65-Col. 22, line 13; Col. 30, lines 12-19).

Regarding to claims 7, 15, 23 and 31, BizRate and Peters teaches all the claimed subject matters as discussed in claims 1, 9, 17 and 25, BizRate further discloses *any of*

the users' on-line surveys or feedback include any one or more of a questionnaire, a survey, or a web based rating service (BizRate, pages 13-14).

Regarding to claims 8, 16, 24 and 32, BizRate and Peters teaches all the claimed subject matters as discussed in claims 1, 9, 17 and 25, BizRate further discloses *the interactive criteria assess the quality of a business in terms of any one or more of: customer satisfaction, professionalism, cost, and ease of use of a product or service* (BizRate, pages 13-14).

4. Claims 3-5, 11-13, 19-21 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over BizRate.com
[<http://web.archive.org/web/19981205082910/http://www.bizrate.com/>] in view of Peters et al. [USP 5,893,098] and Applicant Admitted Prior Art [Background of the Invention, pages 1-3].

Regarding to claims 3, 11, 19 and 27, BizRate and Peters teaches all the claimed subject matters as discussed in claims 2, 10, 18 and 26, but fails to disclose *an indexing engine that indexes web documents to generate indexed data*. Applicant Admitted Prior Art teaches *an indexing engine that indexes web documents to generate indexed data* (Applicant Admitted Prior Art, page 2, lines 6-16). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the BizRate and

Art Unit: 2172

Peters system by using a Web Crawler to index web documents in order to update the merchant database.

Regarding to claims 4, 12, 20 and 28, BizRate, Peters and Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 3, 11, 19 and 27, Applicant Admitted Prior Art further discloses *a metadata repository for storing web documents that have been download on-line* (Applicant Admitted Prior Art, page 2, lines 6-16).

Regarding to claims 5, 13, 21 and 29, BizRate, Peters and Applicant Admitted Prior Art teaches all the claimed subject matters as discussed in claims 3, 11, 19 and 27, BizRate further discloses *a query transformer which, when prompted by a query request to the indexed data and generates the query results* (BizRate, page 1).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM Y VU can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2172

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham
September 26, 2003



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100